

FORM FOR USE IN APPLICATIONS

FOR MOTIONS UNDER 28 U.S.C. § 2241

Clifton Thompson Bey@tm 10-cv-975
Name

CD# 02330000
Prison Number

FCI Schuylkill, P.O. Box # 759, Minersville, Pa, 17954-0759
Place of Confinement

United States District Court District
For the Middle District of Pennsylvania

Case No. _____
(To be supplied by Clerk of U.S. District Court)

T.R. SNIEZEK
WARDEN,
Respondent, ET, AL.

v.
Clifton Thompson Bey@tm
(Full name of movant)

FILED
SCRANTON

MAY 06 2010

PER KW

DEPUTY CLERK

(If movant has a sentence to be served in the future under a federal judgment which he wishes to attack, he should file a motion in the federal court which entered the judgment.)

MOTION

1. Name and location of court which entered the judgment of conviction under attack U.S. District Court.
2. Date of judgment of conviction Oct. 17, 2006
3. Length of sentence four (4) years Sentencing Judge _____
4. Nature of offense or offenses for which you were convicted:
Distribution of Heroin
5. What was your plea? (Check One)
(a) Not guilty (☒)
(b) Guilty ()
(c) Nolo contendere ()
If you entered a guilty plea to one count or indictment, and a not guilty plea to another count or indictment, give details: _____

6. Kind of trial: (check one)
(a) Jury (☒)
(b) Judge only
7. Did you testify at the trial? Yes () No (☒)
8. Did you appeal from the judgment of conviction?
Yes (☒) No ()
9. If you did appeal, answer the following:
(a) Name of the court D.C. Court of Appeals
(b) Result Affirmed

(c) Date of result Sept. 2009

10. Other than a direct appeal from the judgment of conviction and sentence, have you previously filed any petitions, applications or motions with respect to this judgment in any federal court? Yes () No (☒)

11. If your answer to 10 was "yes", give the following information:

(a) (1) Name of court _____

(2) Nature of proceeding _____

(3) Grounds raised _____

(4) Did you receive an evidentiary hearing on your petition, application or motion?

Yes () No ()

(5) Result _____

(6) Date of result _____

(b) As to any second petition, application or motion, give the same information:

(1) Name of court _____

(2) Nature of proceeding _____

(3) Grounds raised _____

(4) Did you receive an evidentiary hearing on your petition, application or motion?

Yes () No ()

(5) Result _____

(6) Date of result _____

(c) As to any third petition, application or motion, give the same information:

(1) Name of court _____

- (e) If you did not appeal from the adverse action on any petition, application or motion, explain briefly why you did not: _____

- CAUTION: If you fail to set forth all grounds in this motion, you may be barred from presenting additional grounds at a later date.

privileges back. DHO violations of due process clause's and procedural defects; ~~the following facts are relevant to the case~~; ~~the following facts are relevant to the case~~; INT# 3B, cell# 211, the mis-information caused the violations of Mr. Thompson Bey's due process rights, and this Honorable Court should determine the facts and grant Mr. Thompson Bey, relief, and this writer is Indigent

For your information, the following is a list of the most frequently raised grounds for relief in these proceedings. Each statement preceded by a letter constitutes a separate ground for possible relief. You may raise any grounds which you have other than those listed. However, you should raise in this motion all available grounds (relating to this conviction) on which you base your allegations that you are being held in custody unlawfully.

If you select one or more of these grounds for relief, you must allege facts in support of the ground or grounds which you choose. Do not check any of the grounds listed below. The motion will be returned to you if you merely check (a) through (j) or any one of these grounds.

- (a) Conviction obtained by plea of guilty which was unlawfully induced or not made voluntarily or with understanding of the nature of the charge and the consequences of the plea.
- (b) Conviction obtained by use of coerced confession.
- (c) Conviction obtained by use of evidence gained pursuant to an unconstitutional search and seizure.
- (d) Conviction obtained by use of evidence obtained pursuant to an unlawful arrest.
- (e) Conviction obtained by the unconstitutional failure of the prosecution to disclose to the defendant evidence favorable to the defendant.
- (f) Conviction obtained by a violation of the protection against double jeopardy.
- (g) Conviction obtained by a violation of the protection against double jeopardy.
- (h) Conviction obtained by action of a grand or petit jury which was unconstitutionally selected and impaneled.
- (i) Denial of effective assistance of counsel.

- (j) Denial of right of appeal.

NOTE: If Movant asserts denial of effective assistance of counsel (ground "I"), he must describe with particularity the factual basis for his claim (e.g. ~~lawyer failed to raise insanity defense~~), and he must describe the prejudice allegedly suffered as a result of the denial of effective assistance of counsel (e.g., convicted of crime that Movant lacked the mental capacity to commit).

- A. Ground One: The DHO officer, K. Bittenbender
on Aug. 25, 2009 violated numerous Constit.
tutional Rights and equal protection process.

Supporting FACTS (tell your story briefly without citing cases or law): The Dto. Bittenbender Violated this writer's rights under the fifth (5) and (14) fourteenth amendment of the U.S. Constitution according to:
_____ when the facts finding procedures employed wasn't supported by any physical evidence.

The only evidence used to adjudicate this write was a memorandum given to §15 from the person whom committed the act, also an injury assessment report that indicated that the other person involved in the altercation which which had and was treated for injuries.

had no participated in the incident and the DFO, Brittenbender didn't take any of this into consideration nor was the [redacted]

- B. Ground Two: DHA officer Sanctions was excessive & harsh when

Supporting FACTS (tell your story briefly without citing cases or law): Imposing punishment for alleged altercation. The sanctions are as follows:

- C. Ground Three: The sanctions a total of 53 days loss of good time. 30 days segregation, disciplinary transfer, a loss of

Supporting 'FACTS' (tell your story briefly without citing cases or law): everything around the board, no factual evidence was taken into consideration by the Dto which violates Mr. Thompson's 'liberty interest' and is requesting that his 'good time' be reinstated.

- D. Ground Four: [REDACTED]

Supporting FACTS (tell your story briefly without citing cases or law): U.S. Constitution under the "Due Process" clause. the hearing officer is using inconsistent statements that wasn't contained at the hearing to support

his finding. there's no way without the (tape) of the proceedings to refute what was said and done during the hearing on Aug 25, 2009, only the fact that his version of the events which is a being UN-contradicted without the recording of these proceeding.

The statement (waived staff representation and witness testimony) IS NOT supported the following statement, includes inmate #11111111-067 and

this is clearly violates the Due process clause.

For the foregoing reasons, I am requesting that this Honorable Court reinstate the "Good Time" that was taken illegally, and request the _____

13. If any of the grounds listed in 12A, B, C, and D were not previously presented, state briefly what grounds were not so presented, and give you reasons for not presenting them:

14. Do you have any petition or appeal now pending in any court, either state or federal, as to the judgment under attack?
Yes () No (☒)

15. Give the name and address, if known, of each attorney who represented you in the following stages of the judgment attacked herein:

- (a) At preliminary hearing _____

(b) At arraignment and plea _____

(c) At trial _____

(d) At sentencing _____

(e) On appeal _____

(f) In any post-conviction proceeding _____

(g) On appeal from any adverse ruling in a post-conviction Proceeding _____

16. Were you sentenced on more than one count of an indictment, or on more than one indictment, in the same court and at the same time? Yes () No ()

17. Do you have any future sentence to serve after you complete the sentence imposed by the judgment under attack?

Yes () No ()

- (a) If so, give name and location of court which imposed sentence to be served in the future: _____

(b) And give date and length of sentence to be served in future: _____

Disciplinary Action and Appeal,

(c) Have you filed, or do you contemplate filing, any petition attacking the judgment which imposed the sentence to be served in the future?

Yes () No ()

Wherefore, movant prays that the court grant him all relief to which he may be entitled in this proceeding. *and to proceed in this matter, because he is indigent and he makes \$10.00 a month and must care for his health needs with that money.*

I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct.

Executed on

4/26/10
(Date)

Chapman
Signature of Movant

I, declare that I have no money at all. and the Counselor have signed with her mark and seal.

NAME

me

TITLE

q-zero

AUTHORIZED BY THE ACT OF JULY 7, 1955 TO
ADMINISTER OATHS (16 USC 4004).

CERTIFICATE OF MAILING

I, Clifton Thompson Beyersmy, under penalty of perjury,
hereby certify that on this 28 day of April, 2010,
I placed an envelope containing the Original and 3th copies of the following
documents in the control of prison authorities by depositing the envelope in
the institution mailbox designated for all outgoing inmate legal mail:

- 1.
- 2.
- 3.
- 4.
- 5.
- 6.
- 7.
- 8.

addressed to the Clerk of Court, U.S. District Court
_____, first-class postage
rate.

Therefore, in accordance with the federal rules governing filing procedures
and the "mailbox rule" established in Houston v. Lack, 487 U.S. 266 (1988), the
foregoing documents are deemed "filed" for the purposes of this action.

Signed: Clifton Thompson Beyersmy

#1904
Stamp 87



Clinton Thompson Bey
#02330000
FBI-Schuylkill P.O. Box #759
Minersville, Pa, 17954-0759

RECEIVED
SCRANTON

MAY 06 2010

MARY E. D'ANDREA, CLERK
Per. [Signature]
DEPUTY CLERK

02330-000

CLERK OF COURTS
235 North Washington Ave.
Scranton, PA - 18501
United States

7-29-01

